

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16088 of 2004

Between:

Rayadurgam Cooperative Central Stores Limited, Rayadurgam, Anantapur
District, rep., by Manager P.Venkatesulu, S/o. P.Ramaswamy, aged 57 years, R/o.
Rayadurg, Anantapur District.

..... PETITIONER

AND

- 1 The Joint Collector, Anantapur.
- 2 The Revenue Divisional Officer, Dharmavaram, Anantapur District.
- 3 The Mandal Revenue Officer, D.Hirehal Mandal, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the
circumstances stated in the Affidavit filed herein the High Court will be pleased to
issue writ of mandamus or any other appropriate writ or direction declaring the order
of the 2nd respondent passed in Rc.No.1842/2004/F dated 20-8-2004 as illegal and
arbitrary and is in violation of principles of natural justice.

Counsel for the Petitioner:MR.O.MANOHER REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

The petitioner is a society registered under the provisions of the Andhra Pradesh Cooperative Societies Act, 1964. An authorization has been granted in favour of the petitioner-society for distribution of the essential commodities to the cardholders at Somalapuram village, D.Hirehal Mandal, Anantapur District. It appears that the first respondent-Joint Collector, Anantapur and the second respondent-Revenue Divisional Officer, Dharmavaram visited the village on 19.08.2004, during which, the residents of the village made a complaint that the petitioner-society has not been properly distributing the essential commodities to the cardholders and they have committed several irregularities. On the basis of the said complaint, the Revenue Divisional Officer, Dharmavaram issued proceedings dated 20.08.2004 specifying four charges and calling upon the petitioner-society to submit its explanation within seven days from the date of receipt of the said order. It is also stated that in view of the allegations made by the consumers, the authorization of the petitioner-society is suspended, pending enquiry. Aggrieved by the same, this writ petition is filed.

I have heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

Learned counsel for the petitioner-society submits that in the administrative hierarchy, the second respondent being subordinate to the first respondent, he is bound by the inspection report of the first respondent and therefore the impugned order which was not based on the independent application of mind by the 2nd respondent is illegal and unsustainable. He also contends that the tenor of the impugned order shows that the issue is predetermined and at any rate all the allegations being trivial in nature, the suspension of the authorization pending enquiry is not at all warranted. I do not find any substance in the contentions raised by the learned counsel for the petitioner. A perusal of the impugned order shows that it is not based on any report, as such from the Joint Collector. It appears that both the Joint Collector as well as the Revenue Divisional Officer received certain complaints from the cardholders during their visit to the village and on the basis of the same, the impugned proceedings have been initiated. Hence, the allegation that the enquiry was initiated on a report by the Joint Collector is unfounded. Similarly, the

apprehension that the petitioner cannot expect an impartial enquiry is without any basis and on that ground the petitioner cannot be granted any relief.

The second respondent being the appointing authority is entitled to conduct the necessary enquiry into the allegations which came to his notice and the discretion exercised by the second respondent in suspending the authorization of the petitioner-society, pending such enquiry cannot be held to be arbitrary or illegal.

In the circumstances, the writ petition is disposed of with a direction to the second respondent to complete the enquiry initiated against the petitioner society and to pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of four weeks from the date of receipt of this order.

Accordingly, the writ petition is disposed of. No costs.

Jsu 09.09.2004

To

- 1 The Joint Collector, Anantapur.
- 2 The Revenue Divisional Officer, Dharmavaram, Anantapur District.
- 3 The Mandal Revenue Officer, D.Hirehal Mandal, Anantapur District.
- 4 2CCs to the GP for Civil Suplies, High Court Buildings, Hyderabad.(O.U.T)
- 5 2CD copies.